

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
_____)	
THIS DOCUMENT RELATES TO)	Hon. Patti B. Saris
01-CV-12257-PBS AND 01-CV-339)	Chief Mag. Judge Marianne B. Bowler
_____)	

**DEFENDANTS' MOTION TO COMPEL THIRD PARTY UNITED HEALTHCARE TO
PRODUCE DOCUMENTS AND WITNESSES FOR DEPOSITION
PURSUANT TO SUBPOENA**

Defendants to the Amended Master Consolidated Class Action Complaint respectfully move this Court for an order compelling third party health plan United Healthcare ("United") to produce documents and witnesses for deposition pursuant to the subpoena served upon United on April 9, 2004 and for such other and further relief as the Court deems just and appropriate. The grounds for this motion are set forth in the accompanying memorandum of law, declaration of Erik Haas and exhibits thereto.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certify that counsel for defendants conferred with counsel for United regarding the issues addressed in this motion, but were unable to resolve or further narrow the issues.

Dated: October 12, 2005

Respectfully submitted,

/s/ Andrew D. Schau

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Systems, Inc., Centocor Inc. Ortho Biotech
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Ortho Neutrogena Inc., Ortho McNeil
Pharmaceutical Inc. and McNeil-PPC on
behalf of all defendants to the Amended
Master Consolidated Class Action
Complaint*

CERTIFICATE OF SERVICE

I certify that on October 12, 2005, a true and correct copy of the forgoing DEFENDANTS' MOTION TO COMPEL THIRD PARTY UNITED HEALTHCARE TO PRODUCE DOCUMENTS AND WITNESSES FOR DEPOSITION PURSUANT TO SUBPOENA was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties. I further certify that on October 12, 2005, a copy was served on counsel for third party United Healthcare via Federal Express.

/s/ Andrew Schau
Andrew Schau